

concentration zones within the sterilization tunnel," as recited in claim 17. Kelbrick et al. fails to teach or suggest, *inter alia*, "...providing a plurality of sterilant concentration zones within the sterilization tunnel," as recited in claim 33.

Furthermore, Kelbrick et al. fails to teach or suggest, *inter alia*, "means for providing a plurality of sterilant concentration zones within the sterilization tunnel," as recited in claim 38.

Accordingly, Applicant submits that independent claims 1, 3, 17, 33, and 38 are allowable.

3) Kelbrick et al. (col. 3, lines 26-29) discloses "[T]he various pressures within the machine cabinet ~~11~~ preferably have the relationship to one another as $P1 > P2 > P3 > PA$, where PA is the ambient atmospheric pressure. Kelbrick et al. discloses various pressures and fails to teach or suggest a plurality of sterilant concentration zones.

Accordingly, Applicant submits that independent claims 1, 3, 17, 33, and 38 are allowable.

The Examiner contends that "...Hoshino fails to disclose that bottles can be sterilized using this method. On the other hand, Muys et al intrinsically discloses that bottles are sterilized by using a similar method as taught by Kelbrick et al. Further, it would be obvious to modify the invention so that the device can have four nozzles spraying the hydrogen peroxide gas at different rates where the concentrations differ in each

nozzle. Clearly, the combination of these two references is similar to the claimed invention. Therefore, it would have been obvious of one having ordinary skill in the art at the time that the invention was made to modify the device in order to effectively sterilize the bottles." Applicant respectfully traverses the rejection as follows.

Hoshino fails to teach or suggest, *inter alia*, "... wherein the **containers are bottles**," as recited in claim 16. Furthermore, Hoshino fails to teach or suggest, *inter alia*, "...wherein the **containers are bottles**," as recited in claim 32. Hoshino (col. 1, lines 15-16) discloses "...open-top containers or packages being fed in one or more files." Furthermore, Hoshino (col. 5, lines 21-24) discloses "...each open-top container 13 for use with this apparatus is generally **frustoconical in shape, tapering downwardly**. An annular flange or rim 22 projects outwardly from its top." Additionally, Hoshino in Figures 1-4, and 6-8 illustrates the container in the shape of a cup. Muys et al. fails to teach or suggest, *inter alia*, "wherein the **containers are bottles**," as recited in claims 16 and 32. Muys et al. (col. 3, lines 55-57) discloses "[W]hen employing a mixture of ambient air and air from a **compressed air bottle**..." Muys et al. discloses that air is being supplied from a compressed air bottle and does not teach or suggest that the

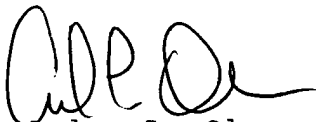
container is a bottle. In fact, Muys et al. (col. 5, line 11) discloses "...in **glass jars** having a neck opening of 60mm..." Additionally, Muys et al. illustrates the container in the shape of a **jar** in FIG. 1 and the container in the shape of a **cup** in FIGS. 2, 3, and 5. ⁶⁰ Thus, Hoshino and Muys et al. fail to teach or suggest that the container is a bottle. Accordingly, Applicant submits that 16 and 32 are allowable.

As presented in the arguments above, Applicant asserts that independent claim 1 is allowable. Thus, Applicant respectfully submits that claim 2 which is dependent on 1 is allowable. Applicant asserts that independent claim 3 is allowable. Thus, Applicant respectfully submits that claims 4-16 that are dependent on claim 3 are allowable. Applicant asserts that independent claim 33 is allowable. Thus, Applicant respectfully submits that claims 34-37 that are dependent on claim 33 are allowable. Applicant asserts that independent claim 38 is allowable.

Accordingly, Applicants submit that claims 1-38 are allowable and that the rejections under 35 U.S.C.103(a) be withdrawn.

If the Examiner believes that any further discussion of the invention would be helpful, perhaps in the form of an Examiner's Amendment, Applicants' representative is available at (518) 220-1850, and earnestly solicits such discussion.

Respectfully submitted,



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